

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JONATHAN H. PARDEE AND CAROL
HAVICAN, AS TRUSTEE OF THE
JONATHAN H. PARDEE CHARITABLE
REMAINDER TRUST,
Plaintiffs,

vs.

C.A. No. 01-594 L

CONSUMER PORTFOLIO SERVICES,
INC.
Defendant.

CONSUMER PORTFOLIO SERVICES,
INC.
Counterclaim Plaintiff,

vs.

JONATHAN H. PARDEE;
JONATHAN H. PARDEE CHARITABLE
REMAINDER TRUST; DUNBAR/
WHEELER TRUST; OGDEN H. SUTRO,
Counterclaim Defendants.

DUNBAR/WHEELER TRUST AND
OGDEN H. SUTRO
Third Party Counterclaim
Plaintiffs,

vs.

CONSUMER PORTFOLIO SERVICES,
INC.
Third Party Counterclaim
Defendant.

AFFIDAVIT OF COUNSEL
IN SUPPORT OF ITS MOTION TO WITHDRAW FROM THE REPRESENTATION
OF THE DUNBAR/WHEELER TRUST AND OGDEN H. SUTRO

I, Craig M. Scott, Esq., do hereby state under oath as follows:

1. I am licensed to practice law in the State of Rhode Island, and I am a partner in the law firm of Duffy Sweeney & Scott, Ltd. (“DSS”) whose principal place of business is located at 1800 Financial Plaza, Providence, Rhode Island. I make this affidavit on behalf of DSS, and have personal knowledge of the facts set forth herein.

2. In approximately November 2002, Ogden H. Sutro retained my firm to represent him and his trust, The Dunbar/Wheeler Trust (collectively, “Sutro”), in connection with the above-captioned litigation. Sutro executed a standard, written engagement agreement with DSS (the “Engagement Agreement”).

3. Pursuant to the Engagement Agreement, DSS sent written invoices to Sutro and Sutro was obligated to pay DSS all invoiced costs and fees within thirty (30) days of the invoice date.

4. Pursuant to the terms of the Engagement Agreement, DSS rendered legal services to Sutro and submitted invoices showing the fees and costs expended on behalf of Sutro.

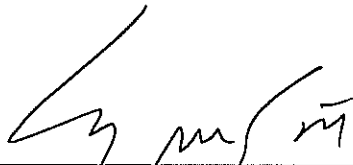
5. Sutro made its last payment to DSS on or about December 27, 2005. Despite numerous requests for payment and reminder invoices rendered to Sutro in the above matter, Sutro has failed to pay and owes DSS a significant balance.

6. In compliance with Local Rule LR 206(e)(2), the undersigned certifies and attests that Sutro is not in the military service of the United States as defined in the Soldiers’ and Sailor’s Civil Relief Act. [50 App. U.S.C. § 501 *et seq.*], as amended.

7. The undersigned also certifies that he advised Sutro through Jonathan Wainwright, Esq., Sutro’s designated contact person, that they may object to counsel’s Motion to Withdraw and that any failure to retain substitute counsel may not be considered grounds for delaying any further trial or other matter that may be scheduled in this case. LR Gen. 206(e)(B)(ii).

8. To the best of my knowledge, Sutro's current address is the address indicated in the Certification, and counsel has made reasonable effort to confirm that notices sent to that address are likely to be received by Sutro. LR Gen. 206(e)(2)(C).

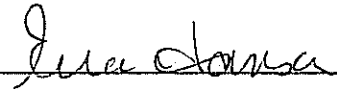
9. The withdrawal of DSS as legal counsel for Sutro at this time will not adversely affect Sutro's interests as this lawsuit is stayed.



Craig M. Scott, Esq.

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to before me this 14th day of December, 2008.



CERTIFICATION

I hereby certify that the within ***Affidavit of Counsel In Support of its Motion to Withdraw from the Representation of The Dunbar/Wheeler Trust and Ogden H. Sutro*** was filed through the ECF system on the 4th day of December, 2008, and will be sent electronically to the counsel listed below who are registered participants identified on the Notice of Electronic Filing and mailed as indicated to those who are not registered participants of the ECF system.

***Via First Class Mail and
Certified Mail, Return Receipt Requested***

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/s/ Craig M. Scott

Craig M. Scott